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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,502

10/29/2003

John S. Csapo

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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/696,502

Applicant(s)

CSAPO ET AL.

Examiner

Marivelisse Santiago-Cordero

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

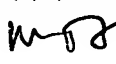
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

CONTINUATION SHEET

Continuation of 11:

1. Applicant's arguments filed on 2/1/08 with regards to the rejection under 35 U.S.C 112, First Paragraph, have been considered and are persuasive. Accordingly, the 112th rejection has been withdrawn.
2. Applicant's arguments with regards to the 35 U.S.C 103(a) rejections have been fully considered but they are not persuasive.

Applicant argues that in citing Soliman as describing a hard handoff region merely demonstrates that hard handoff regions was, independently, known in the prior art, rather than identifying why Soliman's description of hard handoffs between cells overlapping at their periphery would prompt a person of skill in the art to perform a hard handoff in a hard handoff region that is solely within a shared coverage region of co-located base transceiver stations (Remarks: page 12, last paragraph). In response, the Examiner respectfully disagrees. The Office Action stated that it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to perform the hard handoff of Jolma when the mobile station has reached a hard handoff region, the hard handoff region a portion of the second wireless network and solely within a shared coverage region of the transition base transceiver station and the second base transceiver station as suggested by Soliman for the advantages of efficiently triggering hard handoff (Soliman: paragraph [0012]) and for successfully performing the handoff. Soliman discloses performing the hard handoff when the mobile station has reached a hard handoff region (Fig. 3, reference 90, 92), the hard handoff region solely within a shared coverage region (Fig. 3, note the shared (or overlapping) region) of the transition base

transceiver station and the second base transceiver station (note that the shared covered region is the shaded area that is referenced by 90 or 92, i.e., the hard handoff region), thus, efficiently triggering the handoff (paragraph [0012], [0048], [0057]).

Applicant argues that Jolma teaches away (Remarks: page 13, 1st full paragraph). In response, the Examiner respectfully disagrees. Jolma's description of the hard handoff is exemplary (Jolma: col. 5, lines 25-53). Further, Jolma's exemplary depiction assumes the movement of the terminal (Jolma: col. 5, lines 25-53). In accordance with MPEP 2123, disclosed examples or preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. In addition, Jolma's disclosure does not criticize, discredit, or discourage the solution claimed.